

REMARKS

The foregoing amendments are submitted in response to the Office Action dated April 14, 2005. Favorable reconsideration of this application, allowance and passage to issuance are respectfully requested.

The applicant gratefully acknowledges the indication in the Office Action that original claims 9, 12, 23-25, 30, 36, 38 and 45-47 recite patentable subject matter and would be allowable if rewritten in independent form. Accordingly, the applicant has submitted herewith new claims 88-104, wherein: (a) claim 88 represents a rewriting of allowable claim 9 in independent form, *except that* the limitation of claim 8 that the padding is a resin has been omitted because the applicant respectfully submits that this limitation is unnecessary to support the patentability and allowability of such claim; (b) new claims 89 and 90 correspond to original claims 8 and 10, and now depend from new independent claim 88, whereby it is also submitted that these dependent claims should be allowable; (c) new claim 91 constitutes a rewriting of allowable claim 12 in independent form; (d) claim 92 corresponds to original claim 13 and now depends from new independent claim 91, whereby claim 92 should also be allowable; (e) new claim 93 constitutes a rewriting of allowable claim 23 in independent form; (f) new claims 94 and 95 correspond to allowable claims 24 and 25, and now depend from new independent claim 93, whereby these claims should also be allowable; (g) new claims 94 and 95 correspond to original claims 26 and 27, which also depended from allowable claim 23, whereby it is respectfully submitted that these claims should have also been indicated to have been allowable, but in any event, these new claims now depend from allowable independent claim 93 and therefore should also be allowable; (h) new claim 98 constitutes a rewriting of allowable claim 30 in independent form; (i) new claim 99 constitutes a rewriting of allowable claim 36 in independent form, *except that* the limitation of claim 8 that the padding is a resin has been omitted because the applicant

respectfully submits that this limitation is unnecessary to support the patentability and allowability of such claim; (j) new claim 100 constitutes a rewriting of allowable claim 38 in independent form; (k) new claim 101 constitutes a rewriting of allowable claim 39 in independent form; (l) new claim 102 constitutes a rewriting of allowable claim 45 in independent form; and (m) new claims 103 and 104 correspond to original allowable claims 46 and 47, which now depend from new independent claim 102 and therefore should also be allowable.

The drawings in the application were objected to under 37 CFR 1.83(a) as failing to show the features of claims 7, 9-13, and 35-39. New drawing Figure 6 is submitted herewith to illustrate the features recited in claims 9, 10, and 36. The new drawing merely depicts the subject matter already recited in the claims and in the corresponding portions of the specification and therefore do not add new matter. A new paragraph describing Figure 6 has been inserted in the "Brief Description of the Drawings" section of the application between paragraphs 21 and 22. Corresponding sentences referencing the new drawing have been inserted into paragraphs 43 and 44 in the specification. Claims 7, 11-13, 35 and 37-39 have been cancelled. Replacement sheets of the other drawings of Figures 1-5 are also submitted herewith, but these drawings differ from the original drawings only as to the heading designating the sheet numbers.

The specification was objected to as failing to provide antecedent basis for the subject matter recited in claims 12, 13, 38 and 39. In view of the cancellation of these claims, this issue is rendered moot.

The Office Action also rejected original claims 1-2, 5-8, 10, 11, 13-22, 26-29, 31-35, 37 and 39-44 as assertedly being obvious over Doehrer U.S. Patent 6,626,259 in view of Lohr et al U.S. Patent 3,695,696. Claims 3 and 4 were rejected as assertedly being obvious over the combination of Doehrer and Lohr et al, further in view of Hitchcock, Jr. et al (Hitchcock, Jr. et al

was not referenced in the form PTO-892 appended to the Office Action, but the applicant understands from a telephone conversation with the Examiner on May 4, 2005, that the reference is U.S. Patent 3,165,355). If and to the extent these combinations of references are deemed to still be applicable to the claims as now amended, the applicant respectfully traverses these rejections and request reconsideration in light of the following remarks.

Claim 1 has been amended to incorporate the features previously recited in Claims 3 and 4, which have now been canceled. Specifically, claim 1 now recites that the safety seat of this invention comprises plural attachment plates integral to the bottom and back portions of the shell, to which attachment plates are fastened a plurality of straps of the safety restraint system. The Office Action asserts that such subject matter of original claims 3 and 4 would be obvious to incorporate in the combined Doehrer and Lohr et al seats according to the teachings of Hitchcock, Jr. et al. The applicant respectfully disagrees and requests reconsideration.

The Office Action asserts that element 46 in Lohr et al constitutes a plate integral to the bottom of the seat, but the specification of Lohr et al makes clear that element 46 is a mounting bracket which is not actually part of the seat structure itself. Hence, Lohr et al does not fairly teach or suggest attachment plates as defined in claim 1. Hitchcock Jr., et al is relied upon in the Office Action as purportedly overcoming the deficiency of Lohr et al by disclosing "attachment plates...in Fig. 3 in order to secure the seat." Notably, however, Fig. 3 in Hitchcock, Jr., et al, includes a single reference numeral 10 which, according to the specification, merely references the overall "couch" device itself. The specification of Hitchcock, Jr., et al does not identify any structure in the device as constituting any form of attachment plate. Moreover, Hitchcock, Jr., et al, does not utilize or discuss any form of safety restraint system generally nor a plurality of restraint straps specifically. Presumably, the Office Action is referencing the bar elements

illustrated in Fig. 3 of Hitchcock, Jr., et al, as constituting attachment plates, but it is submitted that, in the absence of any discussion of these elements in the specification in Hitchcock, Jr., et al, it is impermissible hindsight to so construe these undescribed elements in Hitchcock, Jr., et al. Moreover, and in any event, there is no teaching or suggestion in Hitchcock, Jr., et al, nor in either Doehrer or Lohr et al to use any such “attachment plates” for fastening the respective ends of a plurality of restraint straps.

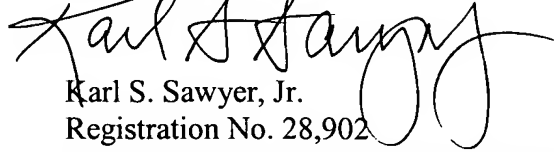
In sum, it is respectfully submitted that there is no reasonable teaching or suggestion from the three references to Doehrer, Lohr and Hitchcock, Jr., et al, to combine the references in the manner asserted in the Office Action and, moreover, any such combination would not result in the present invention. Accordingly, it is submitted that independent claim 1 as now amended should be allowable and, in turn, each of dependent claims 2 and 5-27 should likewise be allowable.

Independent claim 28 has been amended to define that the safety seat is fixedly attachable by plural brackets to a structural member of the rigid structural frame of the vehicle. Noting the indicated allowability of claim 30, it is believed that this amendment captures the essence of the basis for the allowability of claim 30, inasmuch as none of the cited prior art references teach the affixation of a safety seat directly to a frame component, e.g., a roll cage, of the vehicle. Accordingly, it is believed that claim 28 should now be in condition for allowance for the same reasons as claim 30 was indicated to be allowable and, in turn, dependent claims 29-47 should likewise be allowable.

Any additional fees associated with this Amendment should be charged to or any overpayments credited to Deposit Account 18-1215 of the undersigned attorney.

For all of the reasons set forth above, it is accordingly submitted respectfully that the present application should now be in condition for allowance. Favorable reconsideration and prompt issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karl S. Sawyer, Jr.", written over the typed name.

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